GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition and Excise Department – Allegation of Criminal Misconduct and Criminal Conspiracy against Sri Ch. Gopala Krishna, formerly Asst. Commissioner (Enforcement) Prohibition & Excise, Guntur and retired as Dy. Commissioner of Prohibition & Excise, Visakhapatnam on attaining the age of superannuation on 28.02.2018 - Request for Encashment of Earned Leave - Sanction Orders - Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.RT.No. 408 **Dated: 10-07-2021.**

Read the following:-

1.From the D.G.,ACB,A.P., Lr.No.Rc.No.15/RCOVGT/2012, dt.08.10.2012(Cr.No.2/RCO-ACB-VJA/2012,dt.25.01.2012).
2.From the D.G.,ACB,A.P., Lr.No.Rc.No.14/RCOVGT/2012, dt.10.10.2012(Cr.No.1/RCO-ACB-VJA/2012, dt.25.01.2012).
3.Govt.Memo.No.45926/Vig.V(2)/2012-1,dt.16.01.2013.
4.Govt.Memo.No.45965/Vig.V(2)/2012-1,dt.16.01.2013.
5.G.O.Rt.No.867, Rev. (Vig.IV) Dept., dt. 19.06.2018.

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ORDER:

Whereas the Anti-Corruption Bureau authorities have registered two cases under Prevention of Corruption Act, 1988 against certain Prohibition & Excise Officials of Guntur district on the allegations of criminal misconduct and corruption for their involvement in liquor syndicate case.

2. And whereas, in the ref. 1st & 2ndread above, the Director General, Anti-Corruption Bureau while furnishing surprise check reports in both the cases recommended to place Sri Ch. Gopala Krishna, formerly Asst. Commissioner (Enforcement) Prohibition & Excise, Guntur and now retired as Dy. Commissioner of Prohibition & Excise, Visakhapatnam on his defense before Tribunal for Disciplinary proceedings, as he was involved in both the liquor syndicate cases of Guntur district.

3. And whereas, after following due procedure and after obtaining orders from the competent authority, both of his cases were entrusted to Tribunal for Disciplinary proceedings in the ref. 3rd&4th read above and the Tribunal for Disciplinary proceedings has issued charge memos in TEC No.129 of 2013 and in TEC No.174 of 2013 and the inquiry is under process.

4. And whereas, he has fled W.P.No.17177/2020 before the Hon'ble High Court of Andhra Pradesh at Amaravati with a prayer to issue a writ of mandamus declaring the action of the respondents in not concluding the Disciplinary

Contd.,2

Proceedings in TEC No.129 of 2013 and in TEC No.174 of 2013 and withholding of 25% of monthly Pension, Retirement Gratuity and Earned Leave Salary as illegal, arbitrary and violation of Article 14, 16 and 21 of the Constitution of India and contrary to Rule 9 (1) of A.P. Revised Pension Rules, 1980 and consequently declare that the petitioner is entitled for payment of 100% Pension, Retirement Gratuity and Earned Leave salary with interest @ 12% along with the benefit of Commutation of Pension from the date of his retirement.

5. And whereas, the Hon'ble High Court of Andhra Pradesh at Amaravati has passed the following order dated.14.10.2020 in IA No. 1 of 2020 in W.P No.17177 of 2020:

> "*In the circumstances, since there cannot be any impediment for drawl and paying earned leave to the petitioner, who is admittedly a retired employee, the respondents 1 and 2 are directed to draw any pay earned leave amount and disburse to the petitioner, within four weeks from the date of receipt of a copy of this order. Notice."*

6. And whereas, the Hon'ble High Court of Andhra Pradesh at Amaravati has passed order dated.11.12.2020 in W.P No.17177 of 2020, the operative portion of which read as follows:

> *" …..7. In these circumstances, the writ petition is allowed with a direction to the respondents to complete the enquiry and pass orders in TEC Nos.129 and 174 of 2013 within a period of three (3) months from the date of receipt of a copy of this order, failing which, the said disciplinary proceedings shall stand quashed.*
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> *8. Further, the charges framed against the petitioner would also show that there is no recovery contemplated under the charges. In these circumstances, there shall be a further direction to the respondents to pass orders for release of the pensionary benefits without reference to the disciplinary proceedings in TEC. Nos.129 and 174 of 2013 within a period of three (3) months from the date of receipt of a copy of this order….."*

7. And whereas, he has submitted representation dt.27.12.2020 requesting to issue necessary orders for release of full pension including pensionary benefits of Gratuity, Encashment of leave, facility of the commutation as per the Hon'ble High Court orders in W.P.No.17177/2020.

8. And Whereas, Government have accorded sanction for provisional pension @ 75% (seventy five percent only) of normal pension entitled under Rule 52 of Andhra Pradesh Revised Pension Rules, 1980 to him, as he was retired on 28.02.2018,

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pending finalization of disciplinary proceedings initiated against him in ref. 5th read above. However, the payment of Death-cum-Retirement Gratuity and other pensionary benefits admissible to the above Retired Officer shall be kept in abeyance till the final orders issued in disciplinary proceedings pending against him as per existing rules.

9. Government after careful examination of the matter and in pursuance of the orders in W.P No.17177 of 2020 passed by the Hon'ble High Court of Andhra Pradesh at Amaravati hereby accord sanction for encashment of Earned Leave to Sri Ch. Gopala Krishna, formerly Asst. Commissioner (Enforcement) Prohibition & Excise, Guntur and retired as Dy. Commissioner of Prohibition & Excise, Visakhapatnam.

10. The Commissioner of Prohibition and Excise shall take further necessary action accordingly and furnish compliance report.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
The individual through the Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
Copy to:
The Government Pleader for Services, High Court of Andhra Pradesh at Amaravati.
The Director General, Anti-Corruption Bureau, A.P., Vijayawada.
The Accountant General of Andhra Pradesh, Hyderabad.
The Directorate of Treasuries & Accounts, Andhra Pradesh, Vijayawada.
The District Treasury Officer, Visakhapatnam district, Andhra Pradesh.
Sc/Sf.

//FORWARDED:: BY ORDER//

SECTION OFFICER